

**TEXAS GROUNDWATER PROTECTION COMMITTEE  
RECORD OF MEETING  
Third Quarter Meeting, Fiscal Year 2001**

Meeting Date: April 19, 2001  
Meeting No.: 47

Place: TNRCC, Building F  
Room: 2210

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## MEETING ATTENDANCE

### TGPC Members

	<u>Affiliation</u>
Mary Ambrose	TNRCC
Richard Ginn	RCT
Stefan Schuster	TWDB
Donnie Dippel	TDA
Lee Parham	TDLR
Alan Dutton	BEG
Barry Miller	TAGD
Alan Morris	TDH
Kevin Wagner	TSSWCB

TAES representative absent.

### Agency Staff

	<u>Affiliation</u>	<u>Program</u>
Richard Eyster	TNRCC	UIC/Radioactive Waste
Cary Betz	TNRCC	Technical Analysis Division
Frank Fuller	TNRCC	Policy and Regulatory Division
Alan Cherepon	TNRCC	Technical Analysis Division
Steve Musick	TNRCC	Technical Analysis Division
Kerry Neiman	TNRCC	Field Operations Division
Abiy Berehe	TNRCC	Technical Analysis Division
David Parmer	TNRCC	SEA
Steve Walden	TNRCC	SEA
Todd Counter	TNRCC	SEA
Sonny Rayos	TNRCC	
Amalia Smith	TDA	
Deborah Danford	TDA	
Jeanette O'Hare	TDA	

### Interested Parties

	<u>Affiliation</u>
Eric Strom	USGS
Peter Boone	GLO
Melissa Gordiel (?)	TxDOT
One unidentified spectator	

(18 in audience)

## MEETING HANDOUTS

1. Agenda
2. Agricultural Chemicals Subcommittee Report
3. State Groundwater Protection Strategy
4. Draft Joint Groundwater Monitoring and Contamination Report - 2000
5. TNRCC Rules in Process - Rules Tracking Log
6. Joint Groundwater Monitoring and Contamination Report - 1999

## MEETING RECORD OF APRIL 19, 2001

### I. Call to Order and Introductions

Mary Ambrose, Designated Chairman of the Texas Groundwater Protection Committee (TGPC), called the FY2001, Third Quarter Meeting to order at 1:06 p.m.

### II. Subcommittee Reports -

**Agricultural Chemicals** - Steve Musick, TNRCC, Chair. The Agricultural Chemicals Subcommittee held its FY 2001 Third Quarter Meeting on April 19, 2001, at 10:05 a.m.

The members were updated on Task Force activities:

Site Selection - TWDB reported that their FY 2001 groundwater sampling/monitoring will focus on the Gulf Coast aquifer and will coordinate pesticide sampling with the TNRCC for atrazine and metolachlor analysis. A round of atrazine IA sampling by TNRCC staff took place in January for ongoing monitoring of atrazine detects in a number of Panhandle area PWS wells.

The Chair reported that no information had been received from EPA regarding the status of the draft PMP rule. Information published in the April 5, 2001 issue of the *Pesticide Report* indicates that the PMP Final Rule was withdrawn by the Bush administration and is still under review. The members heard a public education presentation on the ambient atrazine monitoring project for groundwater in the Panhandle area. The Subcommittee discussed the status of pesticide BMP development for the Panhandle area and the need for additional efforts by the BMP Task Force to facilitate educational efforts.

There were no public comments or other business.

**Data Management** - Cary Betz, TNRCC, representative. The Data Management Subcommittee has not met since the last Committee meeting. Staff anticipates resumption of activities after the Legislative session is completed.

**Abandoned Water Well Closure Task Force** - Cary Betz, TNRCC, member. Meeting on January 18, 2001, at TNRCC headquarters in Austin Texas, to work on revising the educational materials that accompany the abandoned water well closure video. Possible locations of abandoned well closure demonstrations were also discussed.

**Texas Groundwater Protection Strategy Workgroup** - Frank Fuller, TNRCC, member. Workgroup met at the end of March to work on a draft document. The outline developed will be discussed later in this meeting.

### III. Presentation

#### **Proposed State Class V Shallow Injection Well Rules and Related EPA Rule Promulgation - Richard Eyster, TNRCC**

In 1999, EPA promulgated new injection rules for Class V (injection of non-hazardous fluids into or above an aquifer or portion of an aquifer that contains usable quality groundwater) injection wells. EPA has identified seven major categories of Class V wells: drainage wells, recharge wells, geothermal wells, wastewater disposal wells, mineral-fossil fuel recovery wells, industrial-commercial-utility disposal wells, and a “grab-all” miscellaneous disposal wells.

The new EPA rule requires that all Class V injection wells meet MCL’s at the point of injection, which differs from present regulations in that fluids injected presently do not have to meet MCL’s, but rather no well shall cause or allow the movement of fluid above MCL’s. The rule became effective on April 5, 2000, and TNRCC rules will become effective when adopted. The 30 TAC 331 rules are scheduled for the Commission Agenda on May 23, 2001.

New definitions in the EPA rules include as Class V wells: large capacity septic systems (greater than 5000 gallons per day) and sub-surface fluid distribution systems - infiltration galleries, leaching fields or related types of drain systems that incorporate horizontal construction techniques as opposed to the traditional vertical well construction. The point of injection is also defined as being the last accessible sampling point prior to being released into the subsurface.

Two types of “high-risk” wells that have been identified by EPA include the large capacity septic systems and motor vehicle waste disposal wells used for disposal of fluids from motor vehicle maintenance facilities. For the latter facilities in groundwater protection areas, the new rules require that these wells be closed, a permit obtained or the wells converted to a different Class V use by January 1, 2005. Limited extension options are available. The same requirement will be made of all other motor vehicle waste disposal wells statewide on January 1, 2007, but there is no extension option past this date. Permit requirements and closure standards have been developed to insure that no contamination of groundwater will occur, and that existing wells have not cause historical groundwater contamination. For large capacity septic systems, TNRCC rules will require an agency issued permit for these facilities to operate. The wastewater permit application will include a registration form for the TNRCC Class V program, that is also required.

Richard Ginn, RCT, asked if these regulations will apply to facilities that service oil-field drilling rigs, or facilities that service compressor stations, since oil and gas production related facilities are under the jurisdiction of RCT. Mary Ambrose, TNRCC, responded that EPA’s adopted rules talks about fluids that come from motors, and it would depend upon how this wording would be interpreted as to whose jurisdiction it was under, but that the requirement that no new injection wells of this type is a federal mandate, irrespective of which agency has jurisdiction for the state. If the equipment is not being serviced on-site, but at an industrial shop facility, then the permit jurisdiction would probably rest with the TNRCC. Mr. Ginn said that his question wasn’t really one of jurisdiction so much as whether these specific types of maintenance facilities were covered, as they are not actually motor vehicles. Ms. Ambrose then restated that she believed the EPA’s rules addressed the more “high-risk” fluids, whatever the source, and that these types of service facilities, having waste fluids in common with motor vehicle servicing facilities, would be covered by the rules.

Barry Miller, TAGD, asked who defined the groundwater protection zones, and Mr. Eyster replied that they are defined by the Source Water Protection Team at TNRCC.

Alan Dutton, BEG, asked if the fluids being talked about weren't really hazardous wastes, and consequently not covered by Class V wells, but some other category. Mr. Eyster replied that he did not believe waste vehicle fluids were listed as hazardous by themselves, though they undoubtedly contain some hazardous components. However, under the new rules, the fluid being injected would have to meet drinking water MCLs at the point of injection to qualify for a permit, so the classification would not matter. Steve Musick, TNRCC, also responded that this particular set of rules was the first phase, and that it was laying the groundwork for additional specific regulations. Ms. Ambrose added that the second phase rules should be available April 30, 2001.

These rules represent the first time that EPA has gotten into the business of regulating septic tanks. Previously, EPA had only regulated wastewater treatment facilities that used wells for disposal. Additionally, other definitions are important, such as the inclusion of "improved sinkholes" as Class V wells. This will further affect aquifer recharge activities and development activities. Also, saltwater catchment basins are presently not included in Class V wells, but EPA is considering that these types of infiltration ponds may be included as Class V wells.

Lee Parham, TDLR, asked if the permitting of large capacity septic systems was solely the domain of TNRCC or if some of these types of wells would be regulated by a delegated septic tank program. Since the capacity of these wells exceed 5000 gallons per day, they are considered wastewater treatment facilities, and fall under the exclusive jurisdiction of TNRCC.

#### **IV. Business - Discussion & Possible Action**

##### **Texas Groundwater Protection Strategy - Discussion of Draft Outline and Schedule**

Frank Fuller, TNRCC, referred Committee members to the handout of the draft Texas Groundwater Protection Strategy. The goal is to have a product by August of 2002, before the next session of the Texas Legislature. This effort will be coordinated with TNRCC Strategic Environmental Assessment group. A student intern at TNRCC will be assisting with this project over the next few months.

Presently, the "regulatory model" closely follows the existing Comprehensive State Groundwater Protection Program (CSGWPP) that the Committee previously worked on, and is substantially complete. Lacking, however, is the non-regulatory model, which includes such standards as the implementation of Best Management Practices, and also the licensing of professionals whose work may impact groundwater quality, as this is not regulation of groundwater itself, but of groundwater related occupations.

Mary Ambrose, TNRCC, reiterated that this document is not to be a product of TNRCC, but rather of the whole Groundwater Protection Committee. With that in mind, she is soliciting participants from the Committee to assist with specific subjects in the strategy.

Barry Miller, TAGD, asked if rainfall enhancement, in which many of his constituent districts and TNRCC are heavily involved, should also be included in this document. Ms. Ambrose responded that she was open to anything at this point. Steve Musick, TNRCC, added that the

subject of Groundwater Conservation, included a whole range of groundwater management issues, and the section was so named for lack of a better title at the time. Mr. Miller responded that it certainly would not be a stretch to include rainfall enhancement in the non-regulatory category along with conservation.

Lee Parham, TDLR, asked if the Data Management section would include the joint project between his agency and the TWDB that allows water well drillers to submit their well reports electronically directly to TWDB via internet. Ms. Ambrose responded that she believed this would be the case.

Committee members are further asked to review the document and make additional comments. The next meeting of the workgroup has been set as yet.

### **Joint Groundwater Monitoring and Contamination Report - 2000**

The draft report has been completed, and a copy of the text portion has been provided to the Committee, and staff requests approval for publication. Richard Ginn, RCT, made a motion that the document be approved for publication, provided that members have until COB next Wednesday, April 25, 2001 to make comments to Cary Betz, TNRCC. Stefan Schuster, TWDB, provided second. Motion passed unanimously.

**Next meeting date:** Thursday, August 9, 2001, 1:00 p.m. Committee members should be prepared to discuss any groundwater related effects of activities by the 77<sup>th</sup> Legislative Session.

## **V. Information Exchange for Groundwater Related Activities/Status Update**

Handout of 1999 Joint Report. Cary Betz, TNRCC, requested guidance from the committee as to whether the 1999 report should be issued separately from the 2000 report to County Judges and public health officials, or if the reports should be sent together. The Committee advised to go ahead an issue the 1999 report to the Judges and public health officials, then double up the 1999 and 2000 reports to all others.

## **VI. Announcements**

TNRCC tracking log:

- Salt Cavern Class I injection well rules comment period has been extended an additional three weeks from the original closing date of April 16, 2001.
- Amendments to 30 TAC 285 - Onsite Wastewater Program is anticipated to be on the May 9, 2001, Commission agenda.
- UIC Class V rules (30 TAC 331) outlined in the presentation are scheduled for adoption during the May 23, 2001, Commission agenda.

TNRCC is holding annual public hearings for the Edwards Aquifer Protection Program took place on April 17, 2001 in San Antonio, and are scheduled for April 24, 2001, in Austin. TNRCC will accept written comments until May 15, 2001. The notice appeared in the March 16 Texas Register.

Phase II Class V injection rules should be released by EPA on April 30, 2001.

TNRCC Environmental Trade Fair, April 30 - May 2, 2001, Austin TX.

Surface Water meets May 10, 2001, at Texas Department of Agriculture.

Re-proposed rules for the second round of SB 1 planning hearing will be held on Monday, April 23, 2001, at 10:00 or 10:30 for rule adoption.

BEG is involved in one of the five Groundwater Availability Models for TWDB, and held its first stakeholder meeting on Monday, April 16, 2001, for the Central Carrizo-Wilcox model. The next forum will be held in mid-July contact Alan Dutton to be placed on mailing list.

Barry Miller reports that SB 2 passed out of the Senate before lunch.

The joint meeting of the Groundwater Management Districts Association and the Texas Alliance of Groundwater Districts will be held in Amarillo in May.

The Agricultural Resources Protection Authority will be meeting in Austin on May 4, 2001.

USGS has just put out a summary report for the South Central Texas National Water Quality Assessment (NAWQUA) as well as other reports of interest to the Committee.

**VII. Public Comment**

None

**VIII. Adjourn**

Chair Mary Ambrose adjourned meeting at approximately 2:11 p.m., CST.

Respectfully submitted,  
Cary Betz